



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/047,666

01/15/2002

Michael E. Barrett

101-0005US

5277

8791 7590 04/03/2007  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

RIMELL, SAMUEL G

ART UNIT

PAPER NUMBER

2164

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

04/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/047,666	<b>Applicant(s)</b> BARRETT ET AL.	
	<b>Examiner</b> Sam Rimell	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 9-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2164

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5 and 9-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Edlund et al. (U.S. Patent 6,546,388).

Claim 1: Col. 8, line 40-62 describe the performance of a search query. The query produces search results. The search results are weighted using a calculated relevancy score (col. 10, lines 60-63, describing steps 5-6). The score is based on popularity counts, which are derived from selecting specific URLS (col. 9, line 49), in other words, derived by clicking (col. 3, lines 8-9).

The popularity counts are an inflation factor. As described at col. 9, lines 45-50, the popularity count is only incremented for the newest version of a website (version 0), which means that the popularity count weighs the newest version more heavily than any previous versions. The relevancy score thus becomes an enhanced score based on popularity (an enhanced popularity score).

Col. 9, lines 35-40 describe one form of generated search report, although the results produced by clicking on a URL will also constitute a search report.

Claim 3: The ranking scheme disclosed Edlund et al. involves taking a search result (based on a submitted search request) and a relevancy score and weighting the search results based on the relevancy score. As described at col. 9, lines 45-50, the popularity count is derived

Art Unit: 2164

by selecting URLs (i.e. clicking) to generate the relevancy scores and the popularity count is only incremented for the newest version (version 0) of a website. This means that the popularity count weights the newest version more heavily than any other version. The relevancy score thus becomes an enhanced score based on popularity (an enhanced popularity score). Clicking on URLs sends results to a user in the form of documents associated with the URL.

Claim 4: The popularity counts described at col. 9, lines 36-42 form a weighting value for each search result. This weighting value is an inflation score. The inflation score is adaptive in that it can constantly change (the popularity counts change as the website receives more hits).

Claim 5: The overall rank applied to the search results is a blend of three factors: (1) content relevance value (2) popularity; and (3) document recency.

Claim 9: Col. 10, lines 45-47 describe a search query producing search results. Each search result has an enhanced popularity score (calculated relevancy value-col. 10, lines 61-62) that is weighted by a time decay rate (popularity counts—correlating to number of hits over time, col. 9, lines 35-41). As described at col. 9, lines 45-50, the popularity counts only increment the most recent version of the website (version 0). If no additional website versions appear, this count will continually increase over time and exceed the counts for the previous versions. This process is used to rank search results presented to the user (FIG. 4, steps 0406-0407).

Claim 10: The time decay rate (popularity count) is incremented (i.e. modified) for each use.

Claim 11: The enhanced popularity score (calculated relevancy value-col. 10, lines 61-62) is influenced by use rates (popularity counts).

Art Unit: 2164

Claim 12: The values in the popularity count column of col. 9, lines 36-42 are static values for the older versions. For the newest version (version 0), the popularity count can be static or can change with hits to the newest version (col. 9, lines 43-52).

Claims 13-14: Incrementing the popularity count of the newest version is considered a dynamic reassessment.

Claim 15: The popularity counts (number of hits over time) are the time decay rates. As seen in the table of col. 9, lines 35-42, there are highest and lowest decay rates (highest and lowest popularity counts). The enhanced popularity scores are the calculated relevancy values based on the popularity counts (col. 10, lines 60-61). The use history is the complete table at col. 9, lines 35-42. The enhanced popularity scores can be calculated for each search query, which means that there can be two or more such scores. The popularity counts are the time decay rates and are incremented only for the newest version of a web site (col. 9, lines 45-50). If no additional websites appear, this count will increase over time and exceed the counts for previous versions.

Claim 16: The weighting factor is popularity count, which is a rate of use of certain URLs during the time period of measurement.

Claim 17: See remarks for claim 11.

Claim 18: Popularity counts correlate to website traffic.

Claim 19: The popularity counts are calculated by the computer system incrementing a counter. A calculation is readable as an estimate, lacking any further details on how the estimate is made or what kind of estimate is made.

Art Unit: 2164

Claim 20: Col. 8, lines 66-67 calls for the retrieval data from documents and the calculation of the documents age. The only manner in which such a calculation could be performed is if the document was time and date stamped and the calculation of document age determined from the time and date stamp. The age of the document is input to a relevancy calculator (col. 9, lines 1-2) which calculates a relevancy score (col. 10, lines 60-61). This score reads as the claimed enhanced “population” score. The enhanced “population” score also considers popularity counts that are only incremented on the newest version of a website (col. 9, lines 45-50). As a result, the popularity count used to form the enhanced “population” score weighs more heavily on the newest version of a website than on any previous version.

Claim 21: The age of the document is calculated (col. 8, lines 66-67).

#### Remarks

Applicant’s amendments have overcome the rejections under 35 USC 101 and the rejections under 35 USC 112, first paragraph. Only rejections under 35 USC 102 are made with this action.

As in previous responses, applicant again alleges that Edlund et al. is not prior art and “reserves the right” to swear behind this reference. This argument was previously raised and was previously addressed in the final office action of September 19, 2006. See examiner’s remarks in the final office action at page 7, second paragraph.

Applicant argues that Edlund lacks any teaching of a recent click being weighed more heavily than an older click. This argument was previously raised, and was previously addressed

Art Unit: 2164

in the final office action of September 19, 2006. See examiner's remarks in the final office action at page 7, third paragraph.

Each of the independent claims have been amended to recite that the inflation factors contribute a positive value to the enhanced popularity score. Examiner maintains that this feature is clearly taught by Edlund. The popularity counts are positive values, as seen from the table at col. 9, lines 35-42, where the values ("49", "178", "290" and "122") are positive values.

This office action follows the filing of an RCE request and is made non-final.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell  
Primary Examiner  
Art Unit 2164